

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JULIO MALDONADO</b>	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	<b>CIVIL ACTION</b>
	:	<b>NO. 06-5353</b>
<b>DAVID YEINGST, WARDEN, PERRY COUNTY PRISON; DISTRICT ATTORNEY FOR PHILADELPHIA COUNTY; THE ATTORNEY GENERAL OF THE STATE OF PENNSYLVANIA</b>	:	
<b>Respondents.</b>	:	

**ORDER**

**AND NOW**, this 23rd day of August, 2007, upon careful and independent consideration of the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated June 21, 2007, the Objections to Report and Recommendation of Magistrate Judge, and petitioner's letter of July 9, 2007 which set forth an additional objection,<sup>1</sup> **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells dated June 21, 2007, is **APPROVED** and **ADOPTED**;

2. Petitioner's Objections to Report and Recommendation of Magistrate Judge and additional objection set forth in counsel's letter of July 9, 2007, are **OVERRULED** for the reasons set forth in the Report and Recommendation;

3. The Petition for Writ of Habeas Corpus filed by Julio Maldonado pursuant to 28 U.S.C. § 2254 is **DISMISSED** as time-barred; and,

---

<sup>1</sup>A copy of the July 9, 2007 letter from petitioner's counsel has been docketed.

4. A certificate of appealability will not issue on the ground that petitioner has not made a substantial showing of a denial of a constitutional right as required under 28 U.S.C. § 2253 (c) (2).

**BY THE COURT:**

/s/ Honorable Jan E. DuBois  
**JAN E. DUBOIS, J.**